

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1489

IN THE MATTER OF:

Application of TRI-STATE)	Served January 16, 1976
LIMOUSINE SERVICE for)	
Certificate of Public)	Application No. 899
Convenience and Necessity)	Docket No. 305

By Application No. 899, filed December 18, 1975, Tri-State Limousine Service (Tri-State), the trade name for a business conducted by Eric Townsend, seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform special operations. The application sets forth a request for authority to transport passengers over irregular routes, between Dulles International Airport (Dulles), Herndon, Virginia, and points in the District of Columbia, the State of Maryland, and the Commonwealth of Virginia, and between Washington National Airport (National), Gravelly Point, Virginia, and points in the District of Columbia, the State of Maryland, and the Commonwealth of Virginia.

Tri-State filed as part of the application a list of areas and points to be served by the proposed service and the fares applicable to each. The following table summarizes the proposed areas and points and the proposed fares for each, as set forth in the application.

	<u>DULLES</u>	<u>NATIONAL</u>
Statler Hilton Hotel		
Connecticut Avenue	\$ 16.50	\$ 3.00
15th and K Streets	16.00	2.50
Downtown Bethesda, Md.	8.00	3.75
Silver Spring, Md.	N/A	6.00
Dulles	N/A	15.00
National	15.00	N/A
Alexandria, Va.	N/A	2.00
U. S. Capitol	16.00	3.00
Bolling AFB	16.00	3.00
Andrews AFB	20.00	6.50
Fort Myer	N/A	2.00
Pentagon	N/A	1.50
Fort McNair	16.00	3.00

Tri-State proposes to use a 12 passenger maxi-van to perform the service.

The Metropolitan District embraces the District of Columbia, the cities of Alexandria and Falls Church, the counties of Arlington and Fairfax, and political subdivisions of the State of Virginia located within those counties and that portion of Loudoun County, Virginia, occupied by the Dulles International Airport and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located within said counties, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties, cities and airport. See Compact, Title I, Article I. The Compact expressly provides that the provisions of Title II do not apply to transportation rendered solely within the Commonwealth of Virginia. See Title II, Article XII,

Section 1(b). Because Dulles and National are located within the Commonwealth of Virginia, the authority to be granted, if any, could not include all points within the Metropolitan District. Accordingly, the application as filed requests authority broader than the Commission has authority to grant. The portion of the application requesting authority with respect to points within the Metropolitan District located in the Commonwealth of Virginia other than Dulles or National shall be rejected. The Commission shall consider only that portion of Tri-State's application requesting authority to transport passengers between Dulles or National on the one hand, and on the other, points within the Metropolitan District located in the District of Columbia or the State of Maryland.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a hearing to develop an appropriate record. Tri-State shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carriers to bear.

The reason for the hearing is to fully develop the basis for any findings as to Tri-State's fitness to perform the proposed transportation service and the existing requirements of the public convenience and necessity for the proposed transportation service. The Commission shall require Tri-State to submit and be prepared to support with a competent

witness a statement projecting revenues and revenue deductions, including taxes, for a one year period, together with supporting details, including the ratio between revenue deductions and revenues. Tri-State shall be directed to file six (6) copies of the projection statement with the Commission and serve one copy on each party of record on or before February 25, 1976. Tri-State shall be prepared to present evidence that public convenience and necessity require the proposed service. Should Tri-State elect to submit prepared testimony at the hearing, then six (6) copies of said testimony also should be filed with the Commission and one copy served on each party of record on or before February 25, 1976.

THEREFORE, IT IS ORDERED:

1. That the portion of Tri-State Limousine Service Application No. 899 requesting authority to transport passengers, over irregular routes, in special operations, between Dulles International Airport or Washington National Airport on the one hand, and on the other, points within the Metropolitan District located within the Commonwealth of Virginia be, and it is hereby, rejected.

2. That Application No. 899 of Tri-State Limousine Service for authority to transport passengers, together with their baggage, over irregular routes, in special operations, between Dulles International Airport or Washington National Airport on the one hand, and on the other specified points or areas within the District of Columbia or the State of Maryland be, and it is hereby, scheduled for public hearing to commence Wednesday, March 3, 1976, at 10:00 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

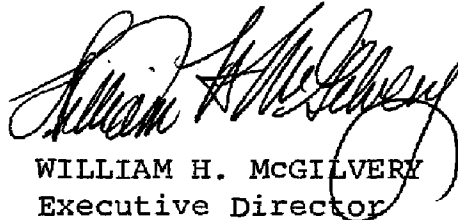
3. That Tri-State Limousine Service publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District no later than Sunday, February 1, 1976, and present at the hearings a certificate of publication from the selected newspaper.

4. That six (6) copies, the original to be submitted at the hearing, of the projection statement required hereinbefore be submitted by Tri-State Limousine Service to the Commission and one copy served on each party of record on or before Wednesday, February 25, 1976.

5. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, February 20, 1976, and shall mail a copy of such protest or notice to counsel of record for Tri-State Limousine Service, Robert L. Deichmeister, Esquire, 117 North Fairfax Street, Alexandria, Virginia 22314.

6. That Tri-State Limousine Service be, and it hereby, assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deliver said amount to the office of the Washington Metropolitan Area Transit Commission, Room 314, 1625 I Street, N. W., Washington, D. C., on or before Friday, February 27, 1976.

FOR THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director